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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-56478-2024 (O&M)
Date of decision: 13.11.2024

Sunita Kumari and another

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. A.K. Ranolia, Advocate
for the petitioners.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.233 dated 28.04.2019 under Sections 323, 34, 354-B, 506 of the Indian Penal Code, 1860 (for short 'IPC') and Section 3 of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, registered at Police Station Sector-10, District Gurugram and the challan filed under Sections 323, 354-B, 506 read with Section 34 & 341 of IPC (Annexure P-2) as well as all the subsequent proceedings initiated thereupon.
2. Learned counsel for the petitioners wishes to withdraw the present



petition with liberty to raise all the pleas taken in the present petition before learned trial Court at the appropriate stage. However, he confines his prayer to the extent that petitioner No.1 is a lady and is a practicing lawyer and attending trial on each and every date would cause great inconvenience and hardship to her and prays that personal appearance of petitioner No.1 before learned trial Court may be exempted.

3. In view of the above, instant petition is dismissed as withdrawn with the liberty aforesaid. However, in view of the ratio laid down by this Court in CRM-M-25963-2023 titled as ***Suresh Kumar and another Vs. The State of Haryana and another, 2023 (2) Law Herald 1498***, personal appearance of petitioner No.1 Sunita Kumari before learned trial Court is ordered to be exempted, subject to the following conditions:-

- i) petitioner No.1 shall be represented through her counsel;*
- ii) shall not delay/stall the trial proceedings;*
- iii) shall not dispute her identity as accused;*
- iv) shall have no objection if the prosecution evidence is recorded in her absence but in the presence of her counsel;*
- v) shall appear before the trial Court as and when required; and*
- vi) any other condition, which the trial Court may impose.*

13.11.2024

vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No